

REMARKS

Status of Claims

The application originally includes claims 1-16. In the Office Action of September 29, 2010, all claims are rejected. With this paper, claims 1-16 are amended, and new claims 17 and 18 are added. The Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Rejections under 35 U.S.C. §102

Claim 1-4, 6-10, 12-14, 16 are rejected under 35 U.S.C. §102(b) as being anticipated by Ji et al. (U.S. Patent 6,836,657 B2, Ji hereinafter).

According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

With this paper, claim 1 is amended to add the limitations of “determining whether the configuration data need to be modified with respect to the updated files; and, if the configuration data need to be modified, modify the format of the configuration data so as to complete the updating of the communication equipment.” The support for the amendment can be found in page 10, line 26 to page 11, line 4 of the originally filed application.

The Applicant respectfully asserts that Ji fails to teach each and every element of independent claim 1, and consequently fails to anticipate claim 1.

The amended claim 1 recites a method for updating communication equipment in a communication system, wherein a server stores updated files for updating the communication equipment. The method comprises the following:

backing up configuration data of the communication equipment to the server;

downloading the updated files to the communication equipment from the server and loading the updated files in the communication equipment;

recovering the configuration data backed up in the server to the communication equipment;

determining whether the format of the configuration data need to be modified with respect to the updated files; and

if the configuration data need to be modified, modifying the configuration data so as to complete the updating of the communication equipment.

(Emphasis added).

Ji teaches how to maintain configuration data during file upgrades. In Ji, the configuration data refers to various kinds of data that are important to the operation of the client device, and “because of the importance of the configuration data to the operation of the client device, the upgrade client (which is a component 126 of the client device 122, see Fig. 1 of Ji) provides access to accurate configuration data as well as maintains the configuration data through file upgrades” (col. 8, lines 62-65).

In the Office Action, it is asserted that block 406, Fig. 4 of Ji teaches “backing up configuration data of the communication equipment to the server.” Applicant respectfully disagrees. In fact, the associated text at col. 9, lines 38-43 discloses that: “If the verification shows the original configuration data to be accurate, or free of errors, at block 404, then the upgrade client proceeds with upgrading the original configuration data by writing a backup version of the original configuration data to a backup configuration file in client device memory (ROM), at block 406.” This is distinctly different from “backing up configuration data to the server,” because the upgrade client, as mentioned above, is a component of the client device, and the backup configuration file is saved locally in a memory of the client device, not sent to a remote server. Moreover, the location of the device memory ROM is further clarified by Ji in Fig. 6, where it is shown that the device memory 130 (which is inside the client device 122 in Fig. 1) includes a ROM memory 602 and a RAM memory 604. Therefore, there is no doubt that the backup configuration file is stored locally in the client device.

Further, the Office asserts that block 436, Fig. 4 of Ji discloses “recovering the configuration data backed up in the server to the communication equipment.” In fact, the associated text at col. 10, lines 22-27 teaches: “The error recovery process restores accurate configuration data to the confirmation files by writing the backup configuration data from the backup configuration file to the configuration file, thereby writing over the erroneous

configuration data with the backup configuration data, at block 436.” Since the above backup process at block 406 saves the backup configuration file in the memory of the client device, the error recovery process according to Ji can only be carried out by replacing the erroneous configuration data with the locally stored backup configuration data. Therefore, there is no teaching or suggestion in Ji that is the same as “recovering the configuration data backed up in the server to the communication equipment.”

Further still, claim 1 recites that after recovering the configuration data backed up in the server to the communication equipment, it is determined whether the configuration data needs to be modified with respect to the updated files. If the configuration data need to be modified with respect to the updated files (not because of the errors), the configuration date are modified. Nowhere in Ji does it teach or suggest modifying the configuration data (which does not contain errors) with respect of the updated files.

Therefore, Ji at least fails to disclose the above-highlighted features of claim 1, and claim 1 is in turn patentable over of Ji. Applicant respectfully requests the rejection of claim 1 be reconsidered and withdrawn.

Other rejected claims depend from claim 1 and they should be patentable at least due to their dependency. Applicant respectfully requests the rejection of claims 2-4, 6-10, 12-14, 16 under 35 USC §102(b) be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 5, 11 and 15 are rejected under 35 USC 103(a) as being unpatentable over Ji in view of Elwahab et al (US Patent Application Publication 2002/0023268A1).

With regard to claims 5, 11 and 15, the cited supplementary reference Elwahab also fails to teach or suggest the above-mentioned patentable features of claim 1 which they depend from. Accordingly, Applicants respectfully submit that dependent claims 5, 11 and 15 are not rendered unpatentable over Ji and Elwahab in combination.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call or email the undersigned applicant's representative.

The Office is hereby authorized to charge any unpaid fees deemed required in connection with this submission or to credit any overpayment, to Deposit Account No. **50-4983**.

Respectfully submitted,

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Dated: _____

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By: _____

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